

1 BOARD OF COUNTY COMMISSIONERS

2 KLAMATH COUNTY, OREGON

3 IN THE MATTER OF THE APPLICATION)
4 FOR COMPREHENSIVE LAND USE PLAN)
5 CHANGE AND ZONE CHANGE 78-22 for)
CHARLES HARTLEY)O R D E R

6 THIS MATTER having come on for hearing upon the applica-
7 tion of Charles Hartley for a Comprehensive Land Use Plan change
8 from Urban Density to Multiple Density and a Zone Change from RA
9 (Residential Agriculture) to RD-3,000 (Residential Multiple Family)
10 by the Klamath County Planning Commission, on real property
11 described as Township 39, Range 9, Section 2, Tax Lots 3100 and
12 3200 and generally located north of South Sixth Street and approxi-
13 mately 220 west of Wiard Street and being one acre in size.
14 Public hearings having been heard by the Klamath County Planning
15 Commission on July 25, 1978, wherefrom the testimony, reports and
16 information produced at the hearing by the Applicant, members of
17 the Planning Department Staff and other persons in attendance,
18 the Planning Commission recommended approval to the Board of
19 County Commissioners. Following action by the Planning Commission
20 a public hearing before the Board of County Commissioners was
21 regularly held on September 5, 1978, wherefrom the testimony at
22 said hearing it appeared that the record below was accurate and
23 complete and it appears from the testimony, reports and exhibits
24 introduced at the hearing before the Planning Commission that the
25 application for a change of Comprehensive Land Use Plan and Zone
26 Change for the subject property should be granted.

27 The Board of County Commissioners makes the following
28 Findings of Fact and Conclusions of Law as required by Ordinance

1 No. 17, the Klamath County Zoning Ordinance:

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN CHANGE:

3 1. The Board of County Commissioners found proposed
4 site for change in the comprehensive land use plan as being lo-
5 cated north of South 6th Street and west of Wiard Street.

6 2. The Board of County Commissioners found site to be
7 adequate in size and shape in that lot was rectangle in shape and
8 approximately one acre in size.

9 3. The Board of County Commissioners found that pro-
10 posed use, that being multiple, would have no adverse effects on
11 surrounding area in that a mobile home park was to the northwest
12 and a church to the east.

13 4. The Board of County Commissioners found proposed use
14 to be the trend in that a mobile home park was within the affected
15 area, which is a multiple use.

16 5. Testimony from Applicant before the Board of Com-
17 missioners, indicated that there was a need for multiple housing
18 in an area that is close to shopping facilities.

19 6. Board of Commissioners found that property owners
20 within 250 feet had been notified of such proposal in order to
21 give testimony at scheduled hearings, thus addressing LCDC Goal
22 No. 1, Citizen Involvement.

23 7. The Board of County Commissioners found that pro-
24 posed use for multiple use and zone change to RD 3000 would in-
25 crease the economy of the area in which located, thus addressing
26 LCDC Goal No. 9, Economy of the State.

27 8. The Board of County Commissioners found, per
28 testimony, that the proposed comprehensive land use plan change

1 would allow a type of housing that is needed, thus addressing
2 LCDC Goal No. 10, Housing.

3 9. The Board of County Commissioners found site to be
4 within any urban growth boundary lines that will be established
5 at a later date, when all land use studies have been completed.

6 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
7 CHANGE:

8 1. The property affected by the change of comprehensive
9 land use plan is adequate in size and shape to facilitate those
10 uses normally allowed in conjunction with such zoning;

11 2. The property affected by the proposed change of
12 comprehensive land use plan is properly related to streets and
13 highways to adequately serve the type of traffic generated by
14 such uses that may be permitted therein;

15 3. The proposed change of comprehensive land use plan
16 will have no adverse effect or only limited adverse effect on any
17 property or the permitted uses thereof within the affected area.

18 4. That the proposed change of comprehensive land use
19 plan is in keeping with land uses and improvements, trends in land
20 development, density of land development and prospective needs
21 for development in the affected area.

22 5. That the proposed change of comprehensive land use
23 plan is in keeping with any land use plans duly adopted and does,
24 in effect, represent the highest, best and most appropriate use
25 of the land affected.

26 FINDINGS OF FACT FOR ZONE CHANGE:

27 1. The Board of County Commissioners found proposed
28 site for change of zone as being located north of South 6th Street

1 and west of Wiard Street.

2 2. The Board of County Commissioners found site to be
3 adequate in size and shape in that lot was rectangle in shape and
4 approximately one acre in size.

5 3. The Board of County Commissioners found that pro-
6 posed use, that being multiple, would have no adverse effects on
7 surrounding area in that a mobile home park was to the northwest
8 and a church to the east.

9 4. The Board of County Commissioners found proposed
10 use to be the trend in that a mobile home park was within the af-
11 fected area, which is a multiple use.

12 5. Testimony from Applicant before the Board of Com-
13 missioners, indicated that there was a need for multiple housing
14 in an area that is close to shopping facilities.

15 6. The Board of County Commissioners found that property
16 owners within 250 feet had been notified of such proposal in order
17 to give testimony a scheduled hearings, thus addressing LCDC Goal
18 No. 1, Citizen Involvement.

19 7. The Board of County Commissioners found that pro-
20 posed use for multiple use and zone change to RD 3000 would in-
21 crease the economy of the area in which located, thus addressing
22 LCDC Goal No. 9, Economy of the State.

23 8. The Board of County Commissioners found, per testi-
24 mony, that the proposed zone change would allow a type of housing
25 that is needed, thus addressing LCDC Goal No. 10, Housing.

26 9. The Board of County Commissioners found site to be
27 within any urban growth boundary lines that will be established
28 at a later date, when all land use studies have been completed.

CONCLUSIONS OF LAW FOR ZONE CHANGE:

1. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction such such zoning;

2. The property affected by the proposed change of zone is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;

3. The proposed change of zone will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. That the proposed change of zone is in keeping with land uses and improvements, trends in land development, density of land development and prospective needs for development in the affected area.

5. That the proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, it is hereby order that the application for the Comprehensive Land Use Plan change from Urban Density to Multiple Density and Zone Change from RA (Residential Agriculture) to RD 3000 (Residential Multiple) for Charles Hartley on the subject property is hereby granted.

DONE AND DATED THIS 29 DAY OF December, 1978.

Boivin
Chairman

Hayd L. Wayne
Member

Elizabeth
Member

APPROVED AS TO FORM:
Boivin, Boivin & Aspell

By: _____

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 3rd day of January A.D., 1979 at 8:45 o'clock A.M., and duly recorded in Vol. 155 of DEEDS on Page 155.

FEE none

WM. D. MILNE, County Clerk

By *Reginald L. McArthur* Deputy